Teaching International Economic Law Through Moot Court Competitions

By:

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Students who study law at the National University of Lesotho (NUL) participate in various moot court competitions involving a wide array of legal fields. One example is the John H. Jackson Moot Court Competition. NUL has taken part in this competition on four occasions- twice making it into the international final round. There are several challenges to teaching International Economic Law (IEL) at NUL (these have been traversed in an earlier piece). However, participation in moot court competitions has proved to be a novel way of overcoming some of these challenges.

Different universities use different methods for selecting teams for moot court competitions. For NUL, typically the process begins with a set of three lectures being made open to anyone who is interested in representing the university in the moot. These lectures will usually cover the basic principles of the World Trade Organisation (WTO), WTO dispute resolution, and the art of mooting.

After the lectures, interested students are invited to register for trials. A brief case scenario is devised for the purposes of the trials. It involves very basic WTO concepts will. Mooters are required to submit a short summary of written submissions, and to prepare very brief oral arguments. A panel of three adjudicators (colleagues in the faculty of law) selects the team members after assessing the writing and oral potential of candidates.

We have found that many students, (beyond the ones who eventually make it into the team), benefit from the entire preparation and selection process.

Firstly, the introductory lectures are open to all students, not only those who are doing IEL as a course (the course is offered in the final year of the degree programme). This means that it becomes possible to make IEL accessible to students at all levels of the degree programme. We have had team members who were in the first year of the LLB programme, and they performed exceptionally well in the competition. We have noticed that it is beneficial for students to gain exposure to the contents of IEL early on, through experiences such as this. The students who attend the lectures all benefit from getting an overview of WTO Law, even if they ultimately don't register for trials or get selected for the team. They already begin to hear the concepts, and to become interested in the subject. Stoking passion for IEL is key to influencing good performance from students.

Secondly, preparing written submissions for the trials, as well as for the competition, involves a lot of work. Students have to read literature, including textbooks, agreements, and cases on WTO law. In doing so they gain invaluable knowledge about IEL. They also improve their writing skills (because memorials must be well-organised, clearly written, analytical, well-referenced etc.) and research skills. These skills are applicable for general learning, test and exam preparation, and dissertation writing (compulsory for final year).

Team selection and competition preparation both require students to make oral arguments on WTO law. This improves learners' oral presentation skills. They learn how to clearly verbalise a sound analysis of IEL, as well as to display powers of persuasion when making arguments regarding the application of the law. This helps them to internalise, to debate, and to defend positions with

respect to IEL issues. Not only is the knowledge gained important, but the skill affords students the courage to be confident in engaging in the classroom and beyond- into the profession. Students who are involved in moots tend to be active participants in class, which makes lectures more interesting and lively. When they present for the trials, or practice as a team, this is done in a forum that is open to the university community. This means that attendees also get to hear IEL being debated. This sparks interest among more students.

Moot problems can contain issues that involve a variety of international law subjects. This is beneficial to learning because students learn the inter-play between disciplines, and can improve their learning across a broad spectrum of subject areas. For instance, WTO Law, Law of International Organisations, Public International Law, Environmental Law and Intellectual Property , are separate courses that are taught at NUL at different points of the LLB degree. A moot problem can involve some or all of these areas. Therefore, students learn how to bring these legal areas into play to resolve a moot problem.

The law school at NUL is the only one in Lesotho. This makes interactions and collaborations with other law schools challenging. Mooting gives students an opportunity to engage with other students. This is a valuable aspect of learning in itself. Of course, we learn as we go along. Every year we realise several areas where we could improve our selection, training and participation in these competitions so that our students perform better and continue to derive benefits in their learning. I will stop here and conclude by sharing some thoughts from former participants in the ELSA moot court competition on how they feel their personal involvement amplified their ability to learn IEL.

Lintle Mokhobatau- 2014 team leader: “Being part of the ELSA moot court competition will forever remain a highlight. I improved my skills in academic writing through the written submissions that we had to prepare. Also, it helped in ensuring that my line of reasoning is properly designed to solve international trade issues.”

Dina Tlali- 2015 team member. (she has gone on to do postgraduate studies related to IEL). “We under-estimate the importance of what practicals do for law students. The law needs to be practiced by applying it to scenarios, rather

than just writing about the theories. Through mooting I got to learn how to draft. Legal drafting is very important in studying law. When you draft just for a test or for an examination, you don't grasp the intricacies of how to draft correctly. These are things that you gain in the mooting experience.

Mooting teaches research skills. When your research skills are improved, this improves your analytical skills because you have to read a lot of material, and figure out the facts that you need, and the points of law that you want to draw out of the material. Going into the classroom after doing ELSA moots helped me to read my case law better, to write better. My speaking improved in terms of the logic of saying things and confidence in speaking.

Mooting makes you realise your passion because there are so many areas of law. It helps students to learn about subjects that they could develop an interest in, that may not be covered in the classroom. Mooting makes students competitive. Being competitive is a necessary life skill. You cannot get this experience in a traditional class setting. Mooting should definitely be incorporated into traditional classroom teaching. If students learn these skills then they will be better lawyers in the end."

Kamohelo Khoboko- (participated in 16th edition and co-coached the team in the 17th edition)- "The competition was beneficial to my advocacy skills through debating the integral elements of the law. Legal writing skills is another area that benefitted from this competition. Equally important, I learned, in-depth, the core instruments regulating international trade. One would have thought that issues of the environment are totally different from those of trade but the lesson is that in order to sustain trade, we can't think of it without thinking of ways to equally manage the environment.

Mooting equips students with an opportunity to debate and deliberate on issues raised by the moot and generally issues affecting trade in Africa. The competition shed light to me about the role played by the Advisory Centre of the WTO Law on how it gives LDC's and developing countries legal capacity through their advice so that they can fight for their interests in the world trade affairs.

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